

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

FLOYD JENNINGS,

Plaintiff,

v.

BRENT BRADLEY, et al.,

Case No. 2:06-cv-154  
HON. ROBERT HOLMES BELL

Defendants.

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**OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on August 2, 2007. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff and from defendants. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Defendant Bradley is not entitled to dismissal because a genuine issue of fact exists whether he violated plaintiff's rights by serving a "feces" sandwich and using a shield with feces on it while subduing plaintiff. The remaining defendants are entitled to dismissal. Plaintiff has failed to show a violation of his constitutional rights against the remaining defendants.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #71) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that defendants' motion for summary judgment (Docket #27) is granted in part, and all defendants and claims are dismissed except the feces claims regarding defendant Bradley.

FINALLY, IT IS ORDERED that plaintiff's motion to strike (Docket #66) and motion to compel (Docket #43) are denied.

Dated: September 7, 2007

/s/ Robert Holmes Bell

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ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE